

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**PETRO INDUSTRIAL SOLUTIONS,
LLC (PETRO),**

PLAINTIFF,

V.

**ISLAND PROJECT AND OPERATING
SERVICES, LLC (IPOS), ET AL.,**

DEFENDANTS.

CASE NO. 1:21-CV-00312

**DECLARATION OF ANDREW CANNING
ON BEHALF OF HIMSELF AND OPTIS EUROPE, LTD.**

Andrew Canning, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a principal of OPTIS Europe, Ltd. and am authorized to make this declaration on its behalf in addition to making it on my own behalf.
2. I am making this Declaration in the United Kingdom and am over the age of majority and otherwise competent to make this declaration.
3. I have personal knowledge of the facts set forth in this declaration.
4. From September 2016 until October 31, 2020, OPTIS, through Andrew Canning, provided operational support consulting services relating to the WAPA Facilities to IPOS.
5. From November 1, 2020, until November 20, 2022, OPTIS had a consulting agreement with Vitol Virgin Islands Corp. for similar operational support consulting services relating to the WAPA Facilities.

6. At all relevant times, and specifically from 2016 through the present, I was an employee of OPTIS.
7. I was aware of and had read the First IPOS-Petro Contract.
8. Neither I nor OPTIS were aware of, or had ever seen, the Second IPOS-Petro Contract until it was produced in this litigation, long after IPOS had terminated its contractual relationship with Petro.
9. OPTIS and I believed that the First IPOS-Petro Contract remained in full force and effect up until the time that IPOS terminated its contract with Petro on July 28, 2021.
10. I never accused Petro of stealing information from Traeger Brothers. To the contrary, the criticism that I leveled was directed at Traeger Brothers for revealing confidential bidding information to Petro. I felt that it was wrong for Traeger Brothers to release this information to Petro.
11. I never made the claim described in Paragraph 43 of the Second Amended Complaint and specifically never accused Petro of stealing anything from Traeger Brothers.
12. I did fall through a platform at a WAPA Facility on February 11, 2021. I fell through because the deck grating was long, not supported in the middle and the brackets or clips to hold it in place had never been installed. Consequently, it had a good deal of play in it. and when someone walked on it, the grating would flex. Without the brackets, the flexion on the grating was such that an access hatch

which was held by right-angle steel edging resting on the grating could fall through when someone walked on it, and that is exactly what happened to me.

13. After I initially raised the issue of the validity of Petro's Welder Qualification Certificates, I was informed by IPOS that it would investigate the matter. I had no involvement in IPOS's investigation of the suitability and veracity of Petro's Welder Certificates, or WPS and WPQ, for compliance with Industry standards.
14. On or about July 20, 2021, I spoke with Doug Rice of Acuren Inspection Services and was advised that Acuren had no record of Castro as a current or recent employee of Acuren.
15. I was not involved in assisting IPOS in requesting additional information from Petro and was not involved in preparing the information requests that IPOS submitted to Petro relating to Petro's welding qualifications.
16. I was not aware that IPOS intended to terminate the contract with Petro until after IPOS had informed Petro that it was terminating the contract.
17. I had no involvement in the discussions within IPOS, or in IPOS's communications with Petro, from July 21, 2021, through July 28, 2021 relating to the investigation done by IPOS or the decision to terminate Petro.
18. I did not learn of the internal communications within IPOS or of the communications between IPOS and Petro relating to IPOS's inquiry into the welding qualifications from July 21, 2021 through July 28, 2021 until seeing copies of the communications produced in discovery in this case.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed on February 15, 2024.

A handwritten signature in black ink, appearing to read 'AC', is positioned above a horizontal line.

Andrew Canning